S.B. CR.MISC.BAIL APPL.NO.7403/2007.

Khem Chand Tathera
Vs.
State

Date of order : 6/11/2007.

**HON'BLE MR.JUSTICE MOHAMMAD RAFIQ**

Shri Ali Mohd.Khan for the petitioner.
Shri Ashvini Sharma PP for the State.

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Heard learned counsel for the petitioner, learned Public Prosecutor for the State and perused the relevant documents placed before me.

Learned counsel for the petitioner has argued that the allegation against the petitioner is that he was attempting to purchase the stolen wire and,therefore, he was arrested on 7/9/2007 and ever since then, he is in jail. It was argued that in the self-same FIR, the main accused Kamal Sindhi has already been enlarged on bail by the court below itself and, therefore, case of the petitioner stands on better footing that that of Kamal Sindhi.

Learned Public Prosecutor has opposed the bail application and has argued that in past also, cases of similar nature were registered against the petitioner.

Without expressing any opinion on the merits of the case but taking into consideration the aforesaid arguments and particularly the fact that

main accused has already been released on bail, I deem it appropriate to enlarge the petitioner on bail during trial.

In the result, this bail application u/S.439 Cr.P.C. is allowed and it is directed that petitioner Khem Chand Tathera S/o Nanag Ram Ji Tathera shall be released on bail in F.I.R. No.326/2007 P.S. Dudu, District Jaipur for offences under Sections 457, 380, 411 and 413 IPC subject to his furnishing a personal bond in the sum of Rs.30,000/- together with two sureties in the sum of Rs.15,000/- each to the satisfaction of the trial Court for his appearance before that court on all dates of hearing until conclusion of the trial.

In case, petitioner is found again indulging himself in similar offence in future, the liberty of bail granted to him shall be liable to be cancelled on prosecution moving the court of sessions for cancellation of his bail.

**(MOHAMMAD RAFIQ), J.**

anil/-